

SENATE BILL 3780

By Tate

AN ACT to amend Tennessee Code Annotated, Title 45, Chapter 13 and Title 45, Chapter 20, relative to mortgage services professionals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 45-13-102, is amended by deleting subdivision (18) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 45-13-106(a), is amended by inserting the language "or originating" immediately following the language "activities are limited to the brokering" in the third sentence of the subsection.

SECTION 3. Tennessee Code Annotated, Section 45-13-113(e), is amended by deleting the language "mortgage lenders, mortgage brokers, or mortgage servicers" and by substituting instead the language "mortgage lenders, mortgage brokers, mortgage servicers, or mortgage originators".

SECTION 4. Tennessee Code Annotated, Title 45, Chapter 13, is amended by deleting § 45-13-126 in its entirety.

SECTION 5. Tennessee Code Annotated, Title 45, Chapter 13, is amended by adding the following language as a new, appropriately designated section:

§ 45-13-1__.

(a) Each application for license renewal under § 45-13-105 shall include evidence of the satisfactory completion of at least twelve (12) hours of approved continuing education in primary and subordinated financing transactions. At least two (2) of the twelve (12) hours of continuing education shall consist of instruction on the Tennessee Home Loan Protection Act, compiled in chapter 20 of this title, and this chapter. At least one (1) of the hours shall consist of instruction on ethics.

(b) This section shall not apply to:

(1) Licensees not licensed for one (1) full year prior to the end of the applicable continuing education year; or

(2) Licensees holding nonresident licenses who have met the continuing education requirements of their home state and whose home state gives credit to residents of this state on substantially the same basis.

(c) Except as set forth in subsection (b), only continuing education courses approved by the commissioner shall be used to satisfy the continuing education requirement of subsection (a).

(d) If more than two (2) complaints are filed against a licensee within a calendar year, then such licensee shall be required to satisfactorily complete three (3) additional hours of ethics training in addition to any other sanctions.

(e) The commissioner shall promulgate rules necessary to effectuate the purposes of this section including application fees for submission of courses for approval. Such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 6. The commissioner shall promulgate rules to implement and enforce the provisions of this act. Such rules shall be promulgated in compliance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. For purposes of promulgating rules, publishing forms, and approving courses this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect December 1, 2008 and shall apply to renewals to take effect on December 1, 2009.